

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE NO.1427 OF 2006
IN
EXECUTION APPLICATION NO.471 OF 2005
IN
SUMMARY SUIT NO.1025 OF 2005**

Huechem Textile Pvt. Limited ...Plaintiffs

Vs.

Mr.Amit Doshi ...Defendants

Mr.Munir Merchant Advocate i/b. Universal Legal for Plaintiffs

**CORAM: SMT. ROSHAN DALVI, J.
DATED: 8TH FEBRUARY, 2007**

P.C.

1. The Defendant has taken out this Notice under Order XXI Rule 37 of Code of Civil Procedure, 1908 through the Sheriff's Baillif on 22nd November, 2006. The Defendant has signed on the reverse of the Notice. That signature has been verified from the Defendants' Vakalatnama dated 24th January, 2006 which is on record. The Notice is properly served. The Defendant has not appeared in Court pursuant to the Notice. There is no reply to the Notice. The Defendant is not even represented by the Advocate. The Plaintiff's Director has filed an affidavit dated 13th October, 2006 inter alia stating that the Defendant's cheque given to Sheriff's

Baillif for settling the Plaintiff's claim has also been dishonoured. It is seen that the Defendant having the means to pay has failed and neglected to pay the decretal amount. Consequently the notice is shown to be correctly taken out. No cause is shown against the Notice. The Defendant shall have to be committed to jail in execution of the Ex-parte decree passed in this Suit against him. The Sheriff of Bombay shall issue Warrant of Arrest against the Defendant for the said purpose.

2. The Notice is made absolute accordingly.

(SMT.ROSHAN DALVI, J.)